United Nations S/2014/38

Security Council

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Australia, France, Jordan, Lithuania, Luxembourg, Nigeria, Rwanda, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed and *further reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Recalling all its relevant resolutions and Presidential Statements concerning threats to international peace and security caused by terrorist acts,

Reiterating the obligation of Member States to prevent and suppress the financing of terrorist acts,

Recalling relevant international counter-terrorism instruments, including the International Convention for the Suppression of the Financing of Terrorism and the International Convention against the Taking of Hostages,

Strongly condemning incidents of kidnapping and hostage-taking committed by terrorist groups for any purpose, including raising funds or gaining political concessions,

Expressing concern at the increase in incidents of kidnapping and hostage-taking committed by terrorist groups with the aim of raising funds, or gaining political concessions, in particular the increase in kidnappings by Al-Qaida and its affiliated groups, and underscoring that the payment of ransoms to terrorists funds future kidnappings and hostage-takings which creates more victims and perpetuates the problem,

Expressing its determination to prevent kidnapping and hostage-taking committed by terrorist groups and to secure the safe release of hostages without ransom payments or political concessions, in accordance with applicable international law and, in this regard, *noting* the work of the Global Counterterrorism Forum (GCTF), in particular its publication of several framework documents and good practices, including in the area of kidnapping for ransom, to complement the work of the relevant United Nations counter-terrorism entities,

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Recognizing the need to further strengthen efforts to support victims and those affected by incidents of kidnapping for ransom and hostage-taking committed by terrorist groups and to give careful consideration to protecting the lives of hostages and those kidnapped, and *reaffirming* that States must ensure that any measures taken to counter terrorism comply with their obligations under international law, in particular international human rights law, refugee law, and international humanitarian law, as appropriate,

Noting the decision of the Group of Eight Summit in Lough Erne to address the threat posed by kidnapping for ransom by terrorists and the preventive steps the international community can take in this regard and to encourage further expert discussion, including at the Roma Lyon group, to deepen understanding of this problem, and *further noting* that paragraph 225.6 of the Final Document of the 16th Summit of the Heads of State or Government of the Non-Aligned Movement condemned criminal incidences of hostage-taking with resultant demands for ransoms and/or other political concessions by terrorist groups,

Expressing its commitment to support efforts to reduce terrorist groups' access to funding and financial services through the ongoing work of UN counter-terrorism bodies and the Financial Action Task Force to improve anti-money laundering and terrorist financing frameworks worldwide,

Expressing concern at the increased use, in a globalized society, by terrorists and their supporters of new information and communication technologies, in particular the Internet, for the purposes of recruitment and incitement to commit terrorist acts, as well as for the financing, planning and preparation of their activities,

Recalling its resolutions 1904 (2009), 1989 (2011) and 2083 (2012), which, inter alia, confirm that the requirements of operative paragraph 1(a) of these resolutions, also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Al-Qaida sanctions list,

Reaffirming that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations,

1. *Reaffirms* its resolution 1373 (2001) and in particular its decisions that all States shall prevent and suppress the financing of terrorist acts and refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

2. *Further reaffirms* its decision in resolution 1373 (2001) that all States shall prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

3. *Calls upon* all Member States to prevent terrorists from benefiting directly or indirectly from ransom payments or from political concessions and to secure the safe release of hostages;

4. *Calls upon* all Member States to co-operate closely during incidents of kidnapping and hostage-taking committed by terrorist groups;

5. *Reaffirms* its decision in resolution 1373 (2001) that all States shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts;

6. *Recognizes* the need to continue expert discussions on kidnapping for ransom by terrorists, and *calls upon* Member States to continue such expert discussions within the United Nations and other relevant international and regional organizations, including the GCTF, on additional steps the international community could take to prevent kidnappings and to prevent terrorists from benefiting directly or indirectly from using kidnapping to raise funds or gain political concessions;

7. *Notes* that ransom payments to terrorist groups are one of the sources of income which supports their recruitment efforts, strengthens their operational capability to organize and carry out terrorist attacks, and incentivizes future incidents of kidnapping for ransom;

8. *Encourages* the Counter-Terrorism Committee (CTC) established pursuant to resolution 1373 (2001) to hold, with the assistance of appropriate expertise, a Special Meeting with the participation of Member States and relevant international and regional organizations to discuss measures to prevent incidents of kidnapping and hostage-taking committed by terrorist groups to raise funds or gain political concessions, and requests the CTC to report to the Council on the outcomes of this Meeting;

9. *Recalls* the adoption by the GCTF of the "Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists" and *encourages* CTED to take it into account, as appropriate, consistent with its mandate, including in its facilitation of capacity building to Member States;

10. *Calls upon* all Member States to encourage private sector partners to adopt or to follow relevant guidelines and good practices for preventing and responding to terrorist kidnappings without paying ransoms;

11. *Calls upon* all Member States to co-operate and engage in dialogue with all relevant UN counter-terrorism bodies, as appropriate, to improve their capacities to counter the financing of terrorism, including from ransoms;

12. *Encourages* the Monitoring Team of the 1267/1989 Al-Qaida Sanctions Committee and the Committee established pursuant to resolution 1988 (2011) and other relevant UN counter-terrorism bodies to cooperate closely when providing information on the measures taken by Member States on this issue and on relevant trends and developments in this area;

13. *Decides* to remain seized of this matter.

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Distr.: General
28 January 2014

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Letter dated 20 January 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 20 January 2014, addressed to you by Mehmet Dânâ, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter and the annex thereto could be circulated as a document of the Security Council.

(*Signed*) Levent **Eler**
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 20 January 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 20 January 2014 addressed to you by Derviş Eroğlu, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter and its enclosure could be circulated as a document of the Security Council.

(*Signed*) Mehmet **Dânâ**
Representative
Turkish Republic of Northern Cyprus

Enclosure

Having reached a turning point in the efforts, under your mission of food offices, to resume the fully fledged negotiations to find a settlement to the Cyprus problem, I am writing to share with you my views on how to move forward with the narrowing window of opportunity as also acknowledged by you.

As you would recall, when I was elected as President in April 2010, I had sent a letter to you reaffirming my commitment to a bicommunal, bizonal federation with political equality as defined by the relevant Security Council resolutions, and expressed my readiness to continue the negotiations from where they had been left off. I had also expressed my acceptance of the parameters and convergences that had been achieved in the course of the negotiations over the years which continue to form the basis of the process.

Naturally, I was expecting the same constructive approach from my Greek Cypriot counterpart, Nicos Anastasiades, when he was elected as the leader of the Greek Cypriot community in February 2013. Unfortunately, however, not only did Mr. Anastasiades fail to do so, but he also refused to come to the negotiating table, setting preconditions for the resumption of the fully pledged negotiations and citing various pretexts. His refusal to engage with me in this respect continues to this day.

I had agreed to engage in the drafting of a joint statement that would be issued after the first leaders' meeting as a demonstration of goodwill and my desire to address the concerns of the other side. Throughout this four-month-long exercise, the Turkish Cypriot side has acted constructively and shown utmost flexibility so as to enable the exercise to be concluded successfully. To that end, we accepted a United Nations-prepared "food for thought" paper on 7 October 2013, with minor modifications; agreed to another draft prepared by the United Nations on 11 December 2013; and, in the final instance, proposed a draft which had been prepared with the active participation and support of not only the United Nations, but also other key actors, including Turkey.

As you must have been duly informed by your Special Adviser, Alexander Downer, and the United Nations negotiating team, all relevant parties, including Mr. Anastasiades, had been consulted during the preparation of this final draft and we were told in no uncertain terms that this was the best draft that could have been achieved. In other words, this proposal was an offer that met the demands and concerns of the Greek Cypriot side in a spirit of maximum flexibility and reconciliation on the part of the Turkish Cypriot side. In making this painful sacrifice, I have shown political courage and leadership.

We were utterly surprised and disappointed, however, that, rather than accepting this gesture, the Greek Cypriot side has attempted to discredit it by sending a draft of its own which clearly aims to undermine our legitimate concerns on crucial issues, leaving the door open to claims of sovereignty by one side over the other, in this case, by the Greek Cypriot side over the Turkish Cypriot side. With this last manoeuvre, the Greek Cypriot side has effectively frustrated the exercise. As a people that has suffered from being thrown out of the partnership State of 1960, which was usurped by the Greek Cypriots by force of arms in 1963, and thus left out of the international system for over 50 years, we are justified in requiring effective safeguards against the repetition of such a predicament. In fact, several times during the exercise, the Greek Cypriot side declared "a deadlock"

demonstrating its lack of sincerity in seeking a joint statement, which has been turned into not only a precondition, but also a means for foot-dragging and prolongation.

As I have stressed right from the beginning, I am ready to resume the fully fledged negotiations even without a joint statement and without any preconditions and to negotiate in good faith, as has been envisaged by the relevant Security Council resolutions. It is, however, our earnest hope that the draft joint statement will be accepted in its present form so that the four-month-long effort for its formulation will not be lost. The Cyprus question has completed its fiftieth year, and I believe that resolving this dispute is long overdue. This should not only be our vision; it is also our responsibility towards future generations as the leaders of our respective peoples.

Mr. Anastasiades, rather than responding positively to my repeated calls for negotiations without preconditions, has engaged in a blame game and negative public messaging, against which you have advised us in your successive reports to the Security Council. In this respect, we are aware of the letters that Mr. Anastasiades has addressed to you and to your Special Adviser, Mr. Downer, in which he totally distorts the picture about the drafting exercise of a joint statement, and goes so far as to question the scope of your mission of good offices as well as the credibility of your Special Adviser. Although I will not dignify the allegations in these letters with a detailed response, I wish to point out that in the letter that Mr. Anastasiades addressed to you on 2 January 2014, he rejects any notion of "ambiguity", constructive or otherwise, "creative thinking", or even a "balanced compromise". I hardly need to emphasize that these are essential elements of any fruitful negotiation.

I wish to point out that the way to get out of the current situation for the international community is to persuade the Greek Cypriot side to abandon its negative stance towards the standing proposal that the Turkish Cypriot side has made with the participation and full support of all interested relevant actors, and to convince them to sit at the negotiating table without preconditions. The proposal to start yet another, perhaps "shorter", drafting exercise after having spent four months on the present one not only lacks any sincerity, but also would be futile, since the first one was also conceived as a short statement but turned into a drawn-out, complicated process because of the attempts of the Greek Cypriot side to overload the draft with issues of substance that should be discussed at the negotiating table.

Clearly, the Greek Cypriot side needs to be motivated and urged to reconsider its strategy of foot-dragging, and to adopt an approach conducive to the resumption of fully fledged negotiations without further delay. I have full trust in your wisdom and judgement in duly informing the members of the Security Council on the aforementioned facts, on the eve of the consultations that will be held in the Security Council and the adoption of the resolution on the extension of the mandate of the United Nations Peacekeeping Force in Cyprus.

(*Signed*) Derviş **Eroğlu**
President